

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PFSS 2020 HOLDING COMPANY, LLC,

Plaintiff,

-v-

FINDLAY ESTATES, LLC ET AL.,

Defendants.

20 Civ. 8884 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received yesterday's letter from counsel for plaintiff PFSS 2020 Holding Company, LLC reporting the parties' positions on potential next steps in this matter in light of the announcement by borrower defendants Findlay Estates LLC ("Findlay") and Sheindy Grunhut ("Grunhut") no longer to defend this case. Dkt. 96. The Court agrees that the borrower defendants are in default with respect to the foreclosure claim (Count I of the Amended Complaint). The Court stands ready to issue a proposed judgment in plaintiff's favor on that claim, which judgment would also reflect plaintiff's decision to dismiss without prejudice Counts II and III, which are brought, respectively, against Findlay and Grunhut. The Court is also prepared to so-order a stipulation disposing of plaintiff's claims against non-appearing third parties.

The Court is also prepared to grant plaintiff's application for the appointment of a receiver, which application the Court understands the borrower defendants not to oppose provided that plaintiff would pay the fees charged by the receiver. Given the interests of third parties such as residents that are potentially implicated by the appointment of a receiver, however, the Court will not make such an appointment without first receiving declarations from

plaintiff's counsel and the receiver setting out the specific responsibilities of the receiver and concrete facts establishing that the receiver is ready and prepared forthwith to assume those responsibilities without any risk of a lapse in service. To make this appointment, the Court will also require from plaintiff's counsel a detailed proposed order appointing the receiver and setting out comprehensively the receiver's responsibilities and addressing terms such as the receiver's compensation.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", written in black ink.

PAUL A. ENGELMAYER
United States District Judge

Dated: August 10, 2021
New York, New York